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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS OBSERVER MISSION IN EL SALVADOR

I. INTRODUCTION

1. The present report is the third in a series of reports that I have been submitting to the Security Council on the activities of the Electoral Division of the United Nations Observer Mission in El Salvador (ONUSAL) until the elections scheduled for 20 March 1994 are held. This is a special report that summarizes the activities of the Electoral Division and attempts to provide an overview of the unfolding of the electoral process up to election day. My last report (S/1994/179) was issued on 16 February 1994 and there will be another report issued immediately after the elections that will include comments on the events on election day and an assessment of the overall conduct of the election as monitored by international observers of the United Nations.

II. DEPLOYMENT OF THE ELECTORAL COMPONENT

2. The Electoral Division of ONUSAL was established in September 1993 with a mandate to observe the electoral process before, during and after the elections under the following terms of reference:

(a) To observe that measures and decisions made by all electoral authorities are impartial and consistent with the holding of free and fair elections;

(b) To observe that appropriate steps are taken to ensure that eligible voters are included in the electoral rolls, thus enabling them to exercise their right to vote;

(c) To observe that mechanisms are in place effectively to prevent multiple voting, given that a complete screening of the electoral rolls prior to the elections is not feasible;

(d) To observe that freedom of expression, organization, movement and assembly are respected without restrictions;

(e) To observe that potential voters have sufficient knowledge of the mechanisms for participating in the election;

(f) To examine, analyse and assess criticisms made, objections raised and attempts undertaken to delegitimize the electoral process and, if required, to convey such information to the Supreme Electoral Tribunal;

(g) To inform the Supreme Electoral Tribunal of complaints received regarding irregularities in electoral advertising or possible interferences with the electoral process; when appropriate, to request information on corrective measures taken by the Tribunal;

(h) To place observers at all polling sites on election day to verify that the right to vote is fully respected.

3. The Electoral Division has been functioning for six months with 36 Professional staff deployed through 6 regional offices. In spite of the rather small number of staff, the electoral component has been able to perform the observation duties assigned to it on the basis of coordination with, and the close collaboration of, the other components of ONUSAL. In addition to observing the activities of the Supreme Electoral Tribunal, the political parties, other public organizations and the mass media, the ONUSAL teams have been providing technical and logistic support in the preparation of the register of voters in all regions of the country. By the end of the campaign period, the ONUSAL teams had made an average of 9 observation visits to each of the country's 262 towns, or more than 2,350 visits, and had also dispatched a total of 3,700 patrols. In the course of providing this support, some 437,000 kilometres of travel and roughly 270 hours of helicopter flying time were logged.

III. OBSERVATION ACTIVITIES

4. ONUSAL promoted discussions with a view to obtaining the signing of codes of conduct by political parties. Pacts of this kind were signed by all contending parties in each of the 14 departments of El Salvador as well as in a number of municipalities. On 10 March, at ONUSAL headquarters, all presidential candidates signed a declaration in which they declared their rejection of violence and their commitment to respect the results of the elections and to comply with the Peace Accords. Periodic meetings with political parties were held at the central and local levels in order to discuss ongoing problems and viable solutions. The Electoral Division held joint meetings on a regular basis with the Supreme Electoral Tribunal, the Board of Vigilance, which is made up of representatives of all political parties, and the party campaign managers with a view to solving any possible problem arising during the electoral process. It was at these meetings that technical proposals to improve the registration process were discussed and evaluated.

5. The Division has met with more than 70 delegations from Governments, non-governmental organizations (NGOs), international organizations, universities and the media seeking information about the electoral process. During the months preceding the elections, ONUSAL has been approached by representatives of

various organizations which intend to monitor the elections by mobilizing some 2,000 international observers, in addition to ONUSAL's own observers. The Electoral Division has prepared a kit containing documents on electoral procedures and international observation, as well as reports of the Secretary-General. These documents are available to those delegations and reporters who seek information at ONUSAL.

6. ONUSAL has mobilized 900 international observers to be deployed prior to election day in all of the 262 municipalities of El Salvador. There will be an observer team at each of the 355 polling centres, which constitute a total of 6,970 polling stations. The number of observers per team will vary according to the size of the polling centre at a ratio of approximately 10 stations per observer. The ONUSAL observers will cover the conduct of the polls on 20 March as well as the counting of votes both at the polling station and at the Supreme Electoral Tribunal later that day and over the following days. After election day, a public statement will be made by ONUSAL on the conduct of the election.

IV. REGISTRATION OF VOTERS

7. The preparation of the electoral register was a central issue from the beginning of the process. As stated in my last report (S/1994/179, para. 17), at the closure of the register, and in overall quantitative terms, the registration of voters can be considered satisfactory. The electoral lists include the names of over 2,700,000 Salvadorians, of whom more than 2,350,000 may be in possession of a voting card when the deadline period for delivery of cards closes on 12 March. This figure amounts to over 85 per cent of the estimated voting-age population. Some flaws and outstanding difficulties with regard to registration and the lists of voters are described below.

8. One major flaw of the Register is that over 74,000 persons requesting registration have not been included because their application could not be validated by a birth certificate. At the national level, that figure amounts to 2.8 per cent of the entire register of voters. Nevertheless, there are 35 municipalities in former conflict zones where the average of non-validated applications amounts to 10.4 per cent, more than triple the national average. In absolute terms, the number of those applications translates to over 10,000. This occurred in spite of the fact that 2 extensive plans for the recovery of more than 360,000 birth certificates from municipal offices were implemented with the assistance of ONUSAL and the United States Agency for International Development (USAID), concentrating more intensively in the former conflict zones. Nearly 60,000 applications for registration were validated on the results of those plans. Since destruction of registers was particularly frequent in these areas, it was there that an exceptionality decree for the redocumentation of citizens was more broadly applied.

9. A way to solve the problem of the remaining non-validated applications was provided for in articles 30, 48 and 51 of the Electoral Code, whereby corrections and claims may be made with regard to the Register during a time period to be established by the Supreme Electoral Tribunal. In practice, although the Tribunal issued instructions on this matter via the media, it failed to include specific deadlines for citizens to submit complaints. During

the last days of February and up to 6 March, ONUSAL teams observed that requests for corrections and submission of birth certificates for the validation of voter applications were being accepted by the Tribunal. Approximately 5,000 claims of citizens who did not have a voting card owing to the lack of a birth certificate were processed by the Tribunal.

10. Another problem that still persists with regard to the Register is the possibility of multiple voting by persons in possession of several voter cards under the same or different identities. It is impossible to determine the number of persons in such circumstances. On the one hand, the names of deceased citizens were not removed from the Register for technical reasons. On the other hand, double registration of the same person under different identities was made possible by the legal framework that was designed to deal with certain exceptional circumstances of displaced populations and destroyed registries. Multiple voting by persons with several cards can be prevented only by appropriate use of indelible ink at the time of voting. In this matter, the electoral authorities, as well as the party monitors and international observers, will have to take special care to ensure that the ink is preserved and properly utilized.

11. ONUSAL teams have observed cases of citizens who, despite the appearance of their names on the voter lists, were unable to obtain their voter cards because their registration card was not available even after all cards had been sent to the field. There were also citizens who had a voter card, but whose names did not appear on the list of the municipality where they had chosen to vote. While at least some of these cases may have been corrected by the Tribunal in response to claimants, the extent of the problem could not be quantified and difficulties may arise on election day.

V. ELECTORAL CAMPAIGN AND RESPECT OF BASIC FREEDOMS

12. Under the terms of reference of its electoral component, ONUSAL was asked to observe whether freedom of expression, movement, organization and assembly were being respected without restrictions. In monitoring campaign activities, ONUSAL teams have attended more than 800 events, mainly political meetings and demonstrations, that have generally taken place in an orderly, well-organized manner. Despite the absence of security forces at two thirds of the events, only a few serious incidents have occurred. Although some persons were seriously injured, no fatalities have been reported from campaign activities. Approximately 34 per cent of events monitored by ONUSAL were organized by the Alianza Republicana Nacionalista (ARENA); 32 per cent by the coalition composed of the Convergencia Democrática (CD), the Movimiento Nacional Revolucionario (MNR) and the Frente Farabundo Martí para la Liberación Nacional (FMLN); 16 per cent by the Christian Democratic Party; and 18 per cent by other parties. These activities were proof that freedom of movement, demonstration and expression were respected in a way that contributes to the holding of an election in a free manner.

13. Political advertising through the mass media has also been monitored by ONUSAL. All the parties are present in most media, although with different intensity. ARENA has consistently taken the lead in advertising time, on both

radio and television, followed closely by the Christian Democratic Party, and at a further distance by the CD/MNR/FMLN coalition and other parties. As for the content of political advertising, it has been found to be generally congenial to the prescriptions of electoral legislation. Nevertheless, the Electoral Division of ONUSAL has received a number of complaints from different political parties regarding the use of public resources to promote indirectly the governing party. In addition, although there is a ban on publicity of government programmes 30 days prior to the elections, in monitoring the media the Electoral Division itself has ascertained that several ministries and governmental agencies were advertising their own programmes up to the time of the drafting of the present report.

14. There has been publicity on television and the radio and in newspapers by a private institute and also by anonymous advertisers, the content of which is strongly hostile to FMLN and to the presidential candidate of the CD/MNR/FMLN coalition. Besides violating article 4 of the electoral propaganda rules, whereby only political parties and coalitions may make use of electoral propaganda, this publicity also violates article 18 of the rules, which stipulates that no party shall include in its publicity emblems, symbols and insignia used by other parties. Although the Supreme Electoral Tribunal ordered these advertisements to be withdrawn, they continued to be published. In all cases, the content of this publicity runs counter to the spirit of peace and reconciliation that should preside over the elections. There has also been some publicity by ARENA and the Convergencia Democrática with elements that may violate article 18 of the electoral propaganda rules.

15. Complaints of irregularities in electoral publicity and other aspects of the electoral process were in a timely manner transmitted by ONUSAL to the Supreme Electoral Tribunal in accordance with the terms of reference of the Electoral Division. Communication with the Tribunal included not only complaints presented to ONUSAL by claimants from different sources, mostly political parties, but also reports on problems identified in the field by ONUSAL observers. These communications covered most of the issues subject to public discussion. In some cases, they were solved by action from the Tribunal. In this connection, ONUSAL made recommendations to the Tribunal as appropriate. Some 300 complaints were presented to ONUSAL during the campaign period, most of them (23 per cent) dealing with arbitrary or illegitimate action by public authorities. The remainder consisted of acts of intimidation (21 per cent), destruction of propaganda materials (18 per cent), aggression (9 per cent), murder (7 per cent) and miscellaneous complaints (22 per cent).

16. With regard to civic education, extensive media advertising was undertaken by the Supreme Electoral Tribunal during the registration process and in the final phase of the campaign, at which time emphasis was placed on how to vote. In addition, a number of well-funded NGOs were very active in the field of civic education. Their activities concentrated on the production and massive distribution of materials, such as pamphlets and brochures. Massive civic education campaigns were of the utmost importance, as in elections held in the past decade an average of 10 per cent of the ballots were void and blank.

17. Among the problems remaining to be resolved is the issue of location of polling stations in some of the former areas of conflict. In accordance with the law, polling stations have been established in the municipalities throughout the country. But a decision taken by the Supreme Electoral Tribunal has resulted in the relocation of four polling stations from their respective municipalities to the departmental capital of Chalatenango. The decision of the Supreme Electoral Tribunal is based on its perception that there exists a lack of security and minimal population in these municipalities. This perception is not upheld by ONUSAL observers. The decision of the Supreme Electoral Tribunal has provoked major discussion and strong opposition from political parties and the citizens of these municipalities, including a demonstration of 600 to 700 people in front of the Tribunal offices. ONUSAL has reiterated, in conversations with the Tribunal and in public statements, that the decision to relocate polling stations violates articles 125 and 241 of the Electoral Code. In spite of ongoing protests, the Supreme Electoral Tribunal to date maintains its position.

VI. OBSERVATIONS

18. El Salvador is approaching these elections under political conditions that were unthinkable three years ago. Despite remaining difficulties with the registration of voters and a political climate where mistrust among contenders still persists, the conditions for the holding of free and fair elections are generally adequate. The fact that all political forces are participating for the first time, that basic political freedoms are respected and that the number of violent incidents during the campaign has been limited leads to the expectation that voter turnout will be substantially higher than in previous elections. Furthermore, never before have the rules governing the issuance of the ballot and the counting of the vote been as congenial to democratic standards. There is good reason to expect that these elections will be a crucial stepping-stone in the consolidation of peace and national reconciliation among the Salvadorian people.